REMARKS

Status Summary

In this Amendment, no claims are added and no claims are canceled. Therefore, claims 1-36, 39-49, and 52-69 remain pending.

Claim Objections

Claim 52 was objected to as depending on claim 51, which has been canceled. Claim 52 has been amended to depend from claim 45. Entry of the Amendment to claim 52 is respectfully requested.

Claim Rejections 35 U.S.C. § 102

Claims 1, 2, 4-7, 8, 12-17, 20, 21, 25-27, 32, 34-36, 39, 40, 45-49, and 55-69 were rejected under 35 U.S.C. § 102(b) as anticipated by U.S. Patent No. 6,662,016 to Sladek et al., (hereinafter, "Sladek") this rejection is respectfully traversed.

As a preliminary matter, applicants note that the rejection of the claims under 35 U.S.C. § 102(b) as anticipated by Sladek is improper because Sladek was not published more than a year prior to applicants' date of application for patent in the United States. 35 U.S.C. § 102(b) requires that an invention be described in a printed publication more than a year prior to applicant's filing date in the United States. The present application claims the benefit of U.S. Provisional Patent Application No. 60/184.443 filed March 7, 2000. Thus, the bar date for 35 U.S.C. § 102(b) purposes is March 7, 1999. Since Sladek did not issue until September 16,

2003, it is not a proper reference under 35 U.S.C. § 102(b). Accordingly, the rejection should be withdrawn for this reason alone.

Even assuming that Sladek is a proper reference under 35 U.S.C. § 102(b), Sladek fails to teach or suggest all of the elements in any of the rejected claims. Independent claim 1 relates to a method for automatically generating and sending a SMS message to a subscriber in response to a change in location of the subscriber. In independent claim 1, mobile call signaling messages transmitted between an HLR and VLR relating to changes in location of mobile subscribers are screened. Messages relating to a particular mobile subscriber are correlated. Based on the correlated messages, a change in location indication message is generated and sent to a short message service center. The short message service center sends an SMS message intended for the mobile subscriber. The steps in claim 1 are performed automatically in response to a change in location of the mobile subscriber.

There is absolutely no teaching or suggestion in Sladek of correlating call signaling messages relating to a change in location of a mobile subscriber or of generating and sending an SMS message to the mobile subscriber automatically in response to a change in location of the mobile subscriber. Sladek discloses a system where a subscriber's profile can be changed in response to various trigger events. As indicated in column 24 at line 8, one of the trigger events is a change in location of a subscriber. However, there is absolutely no disclosure of generating and sending an SMS message to a mobile subscriber automatically in response to the change in location.

Beginning in column 25 at line 47, Sladek discusses various examples of how a subscriber's profile can be modified. The first example is directing a call to voice mail. The second example is having billing for the subscriber's mobile phone appear on a hotel invoice. The third example relates to rerouting of incoming calls for a set period. The final example relates to sending text or voicemail messages in response to call processing activity. (Emphasis added). (See column 29, lines 25-26 of Sladek). The only one of these examples that relates to delivering text messages to a subscriber is this final example. In this final example, when a subscriber moves to a new zone, an SCP modifies the subscriber's profile in the HLR or the VLR. It is important to note that the change in zone does not result in the message being sent to the mobile subscriber. In contrast, the subscriber is required to place a call in order for a text message to be sent to the subscriber. (See column 29, line 35 of Sladek). Because Sladek requires the subscriber to place a call in order to receive a text message, there is absolutely no disclosure of generating an SMS message and delivering the SMS message to the mobile subscriber automatically in response to a change in location of the mobile subscriber.

With regard to correlating messages relating to a change in location of a particular mobile subscriber, Sladek is completely silent on this issue. Nonetheless, the Official Action indicates that the Summary of the Invention, column 13 line 54, column 6 line 30, and column 14 line 57 through column 15 line 5 of Sladek disclose this claim element. None of these sections of Sladek mention message correlation. The Summary of the Invention section merely discusses different supplementary

services that can be provided to a subscriber. Column 13 line 54 discusses how a base station controller can be connected to an MSC. Column 6 line 30 discusses a trigger that causes the system to consult an SCP or an HLR. Column 14 line 57 through column 15 line 5 of Sladek discuss the procedure by which a subscriber registers with an HLR. There is no mention in any of these passages of correlating messages relating to a change in location of a mobile subscriber. Accordingly, for these reasons the rejection of claim 1 and its dependent claims as anticipated by Sladek should be withdrawn.

Independent claim 14 also recites the steps of automatically correlating messages and generating and sending an SMS message to a mobile subscriber in response to a change in location of the mobile subscriber. As stated above, Sladek merely indicates that a subscriber's profile can be updated when the subscriber changes location and requires that the subscriber place a call in order to receive a text message. In addition, Sladek does not teach any message correlation – not to mention correlating messages transmitted between an HLR and a VLR relating to a change in location of a mobile subscriber. Accordingly, the rejection of claim 14 and its dependent claims as anticipated by Sladek should be withdrawn.

Independent claim 26 recites to a method for correlating mobile call signaling messages transmitted between an HLR and a VLR in response to a change in location of a mobile subscriber. In particular, claim 26 recites receiving mobile call signaling messages transmitted between an HLR and a VLR, screening the mobile call signaling messages to identify messages that relate to changes in location of

mobile subscribers. Mobile call signaling messages that relate to a particular subscriber are correlated based parameters in the messages. The correlated messages are used to generate mobile call location update records. These steps are performed automatically in response to a change in location of the mobile subscriber.

There is no teaching or suggestion in Sladek of automatically generating mobile call location update records in response to a change in location of a mobile subscriber. The only records that Sladek discloses is being maintained for a subscriber or the subscriber's VLR profile maintained at the VLR, the HLR profile maintained at the HLR, and modifications to the subscriber's profile stored at SCP **144**. There is absolutely no teaching or suggestion of correlating messages that are automatically generating mobile all location update records for a subscriber in response to a change in location of the mobile subscriber. Accordingly, the rejection of claim 26 and its dependent claims should be withdrawn.

Claim 34 recites a system for automatically generating an SMS message to a subscriber in response to a change in location of the subscriber. The system includes a telecommunications network element that screens mobile call signaling messages relating to changes in location of a subscriber, a message processing platform that identifies mobile call signaling messages in a dialogue between an HLR and a VLR relating to a change in location of particular mobile subscriber and a short message service center that sends an SMS message to the particular mobile subscriber. The functions performed by the telecommunications network element, the message processing platform and the short message service center of delivering

the SMS message to the mobile subscriber are performed automatically in response to a change in location of the mobile subscriber. As described above, Sladek discloses that a subscriber's profile in an HLR or VLR can be updated when a subscriber changes location. In order to receive any text messages, the subscriber is required to place a call. Moreover, Sladek does not teach or suggest any message correlation. Accordingly, for the same reasons stated above with regard to claim 1, the rejection of claim 36 and its dependent claims should be withdrawn.

Independent claim 45 recites to a system for automatically generating and sending an SMS message in response to a change in location of a subscriber. Claim 45 includes a telecommunications network element and a message processing platform. The network element screens mobile call signaling messages relating to changes in location of mobile subscribers. A message processing platform correlates call signaling messages to identify message relating to change in location of a particular subscriber. The steps performed by the telecommunications network element and the message processing platform are performed automatically in response to a change in location of the mobile subscriber. As discussed above, the only subscriber records mentioned by Sladek are the subscriber profiles maintained in the HLR and the VLR and the modified profile maintained in the SCP. There is no disclosure of correlating mobile call signaling messages relating to a change in location of a particular subscriber, not to mention performing such correlation automatically when a subscriber changes location. Accordingly, the rejection of claim 45 and its dependent claims should be withdrawn.

Claim Rejections 35 U.S.C. § 103

Claims 5, 6, 9, 11, 18, 19, 22, 24, 41-44, 53, and 54 were rejected as unpatentable over Sladek in view of U.S. Patent No. 6,505,046 to Baker. This rejection is respectfully traversed.

Claims 5, 6, 9, and 11 depend from independent claim 1, claims 18, 19, 22, and 24 depend from independent claim 14, claims 41-47 depend from independent claim 44, and claims 53 and 54 depend from independent claim 45. As described above with regard to the corresponding independent claims, Sladek fails to teach or suggest automatically sending an SMS message to a mobile subscriber in response to a change in location of the mobile subscriber or correlating mobile call signaling messages automatically in response to a change in location of a mobile subscriber. Baker likewise lacks such teaching or suggestion. Baker requires a subscriber to dial a special phone number in order to receive messages from WSN **301**. For example Baker states:

> In cellular or mobility networks of the present invention, the distribution process is triggered when subscribers visit a retail location and dial a predefine, advertised number using a radio telephone. (See column 2, lines 19-23 of Baker).

Thus, from this passage, rather than teaching a system that automatically generates a change in location indication message, an SMS message, or a mobile call location update message, Baker teaches a system that requires the subscriber to dial a telephone number in order to receive advertisements. Thus, it is respectfully

submitted that the rejection of the claims is unpatentable over Baker in view of Sladek should be withdrawn.

Claims 10, 23, and 28-31 were rejected under 35 U.S.C. § 103(a) as unpatentable over Sladek in view of German Patent Publication No. DE 198 05 261 A to Jung (hereinafter, "Jung"). This rejection is respectfully traversed.

Claim 10 depends from independent claim 1, claim 23 depends form independent claim 14, and claims 28-37 depend from independent claim 26. As described above with regard to the corresponding independent claims, Sladek fails to teach or suggest screening or to identify call signaling messages relating or correlating call signaling messages to a change in location of a particular mobile subscriber. Jung likewise lack such teaching or suggestion. For example, Jung states:

> Protocol monitoring devices **18** and **19** are used to monitor all transactions from the mobile telecommunications network to the international telecommunications network having CCS7 signaling. (Emphasis added.) (See page 4 of the English translation of Jung).

From this passage, Jung teaches that all transactions are received by protocol monitors **18** and **19**. There is no mention of message screening or correlation. Because Jung and Sladek fail to teach or suggest correlating or screening messages relating to a change in location of a mobile subscriber, the rejection of the claim is unpatentable over Sladek in view of Jung should be withdrawn.

Claim 33 was rejected under 35 U.S.C. § 103(a) as unpatentable over Sladek in view of Brown. This rejection is respectfully traversed.

Claim 33 depends from claim 26. As described above with regard to claim 26, Sladek fails to teach or suggest automatically correlating call signaling messages or generating mobile call location update records in response to a change in location of the mobile subscriber. Brown likewise lacks such teaching or suggestion. Brown is directed to identifying MAP location update messages that identify new areas in the network. There is no teaching or suggestion of the individual correlation that is claimed in claim 33. Rather than correlating messages that relate to a change in location of a particular mobile subscriber, Brown teaches that update location messages from all subscribers are collected and no correlation is performed. Thus, the rejection of claim 33 as unpatentable over Sladek in view of Brown should be withdrawn.

A Notice of Appeal is being filed simultaneously herewith.

CONCLUSION

In light of the above amendments and remarks, it is respectfully submitted that the present application is now in proper condition for allowance, and an early notice to such effect is earnestly solicited.

If any small matter should remain outstanding after the Patent Examiner has had an opportunity to review the above Remarks, the Patent Examiner is respectfully

requested to telephone the undersigned patent attorney in order to resolve these matters and avoid the issuance of another Official Action.

DEPOSIT ACCOUNT

The Commissioner is hereby authorized to charge any fees associated with the filing of this correspondence to Deposit Account No. **50-0426**.

Respectfully submitted,

JENKINS, WILSON & TAYLOR, P.A.

Date: 30-Sept-04 By: _____

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